


IN RE:

AN ORDINANCE OF THE TOWNSHIP OF JACKSON, COUNTY OF MONROE, COMMONWEALTH OF PENNSYLVANIA, REPEALING THE EXISTING JACKSON TOWNSHIP FLOODPLAIN ORDINANCE AND REPLACING IT WITH A COMPREHENSIVE REVISION AND NEW FLOODPLAIN ORDINANCE. ALSO, THIS ORDINANCE REQUIRES ALL PERSONS, PARTNERSHIPS, BUSINESSES AND CORPORATIONS TO OBTAIN A PERMIT FOR ANY CONSTRUCTION OR DEVELOPMENT PROVIDING FOR THE ISSUANCE OF SUCH PERMITS SETTING FORTH CERTAIN MINIMUM REQUIREMENTS FOR NEW CONSTRUCTION AND DEVELOPMENT WITHIN AREAS OF JACKSON TOWNSHIP WHICH ARE SUBJECT TO FLOODING AND ESTABLISHING PENALTIES FOR ANY PERSONS WHO FAIL OR REFUSE TO COMPLY WITH THE REQUIREMENTS OR PROVISIONS OF THIS ORDINANCE.

CERTIFICATION

I hereby certify that the within ordinance is a true and correct copy of an Ordinance enacted by the Board of Supervisors of Jackson Township, Monroe County, Pennsylvania, on the 18th day of April 2013.

(TOWNSHIP SEAL)

 Signature
Jacqueline R. Elliott, Secretary
Jackson Township Supervisors
P.O. Box 213
Reeders, PA 18252

**JACKSON TOWNSHIP
MONROE COUNTY, PENNSYLVANIA**

ORDINANCE NO. 2013 - 101

AN ORDINANCE OF THE TOWNSHIP OF JACKSON, COUNTY OF MONROE, COMMONWEALTH OF PENNSYLVANIA, REPEALING THE EXISTING JACKSON TOWNSHIP FLOODPLAIN ORDINANCE AND REPLACING IT WITH A COMPREHENSIVE REVISION AND NEW FLOODPLAIN ORDINANCE.

WHEREAS, the Board of Supervisors of Jackson Township deem it to be in the best interests, for the general welfare and safety, of the citizens and residents of Jackson Township to have in place in Jackson Township a comprehensive program of floodplain management regulations; and

WHEREAS, Jackson Township is empowered to regulate floodplains pursuant to the Pennsylvania Floodplain Managements Act, 32 P.S. 679.101 – 679.60E

NOW, THEREFORE BE IT ORDAINED AND ENACTED by the Board of Supervisors of Jackson Township, Monroe County, Pennsylvania, and it is hereby ordained and enacted by the authority of the same to wit:

SECTION 1 TITLE: This Ordinance shall be known and may be cited as the “Jackson Township Floodplain Management Ordinance.”

SECTION 2 AMENDMENT OF CHAPTER 8 (FLOODPLAINS) OF JACKSON TOWNSHIP CODE OF ORDINANCES. The existing Chapter 8 (Floodplains) of the Jackson Township Code of Ordinances is hereby repealed and replaced in its entirety with the following new Chapter 8, attached hereto as Exhibit “1” and incorporated herein by reference.

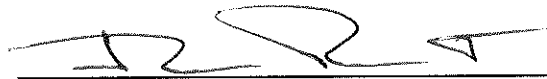
SECTION 3 SEVERABILITY. The provisions of this Ordinance shall be severable, and if any of the provisions hereof shall be found to be invalid or unenforceable, the remaining provisions of this Ordinance shall remain in effect. It is hereby declared as the intent of the Board of Supervisors that this Ordinance would have been adopted had such invalid or unconstitutional provision not be included herein.

SECTION 4 REPEALER. All ordinances or parts of ordinances or resolutions conflicting or inconsistent with any of the provisions of this Ordinance are hereby repealed but only insofar as same are in direct conflict or directly inconsistent with this Ordinance.

SECTION 5 EFFECTIVE DATE. This Ordinance shall take effect on April 23, 2013 (five (5) days after the date of its enactment.)


ORDAINED AND ENACTED into an Ordinance at a regular meeting of the Board of Supervisors of Jackson Township, Monroe County, Pennsylvania, this 18 day of April, 2013.

BOARD OF SUPERVISORS OF
JACKSON TOWNSHIP

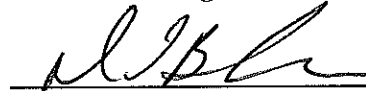


Jack Rader, Jr., Chairman

(TOWNSHIP SEAL)



Donald C. Kresge, Sr., Vice Chairman



David B. Thomas, Supervisor

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Part 1
General Provisions

Section 101 Statutory Authorization

The Legislature of the Commonwealth of Pennsylvania has, by the passage of the Pennsylvania Flood Plain Management Act of 1978, delegated the responsibility to local governmental units to adopt floodplain management regulations to promote public health, safety, and general welfare of its citizenry. Therefore, the Board of Supervisors of the Jackson Township does hereby order as follows.

Section 102 Statement of Intent

The intent of this chapter is to:

- A. Promote the general health, welfare and safety of the community
- B. Encourage the utilization of appropriate construction practices in order to prevent or minimize flood damage in the future.
- C. Minimize danger to the public health by protecting water supply and natural drainage.
- D. Reduce financial burdens imposed on the community, its governmental units, and its residents, by preventing excessive development in areas subject to flooding.

Section 103 Applicability

- A. It shall be unlawful for any person, partnership, business or corporation to undertake, or cause to be undertaken, any construction or development anywhere within the identified floodplain area(s) of the Township unless an approved floodplain building permit has been obtained from the Code Enforcement Officer and Floodplain Administrator.
- B. A floodplain building permit shall not be required for minor repairs to existing buildings or structures within the identified floodplain area(s) of the Township, provided that no structural changes or modifications are involved.

Section 104 Abrogation and Greater Restrictions

This Chapter supersedes any other conflicting provisions which may be in effect in identified floodplain areas. However, any underlying ordinances shall remain in full force and effect to the extent that those provisions are more restrictive. If there is any conflict between any of the provisions of the chapter, the more restrictive shall apply.

Section 105 Severability

If any Section, subsection, paragraph, sentence, clause or phrase of this Chapter shall be declared invalid for any reason whatsoever, such decision shall not affect the remaining portions of this Chapter which shall remain in full force and effect, and for this purpose the provisions of this Chapter are hereby declared to be severable.

Section 106 Warning and Disclaimer of Liability

- A. The degree of flood protection sought by the provisions of this Chapter is considered reasonable for regulatory purposes and is based on accepted methods of study. Larger floods may occur on rare occasions. Flood heights may be increased by man-made or natural causes, such as ice jams and bridge openings restricted by debris. This Chapter does not imply that areas outside any identified floodplain area, or that land uses permitted within such areas, will be free from flooding or flood damages.
- B. This Chapter shall not create liability on the part of the Township of Jackson or any officer or employee thereof for any flood damages that result from reliance on this Chapter or any administrative decision lawfully made thereunder.

Section 107 Lands to which this Chapter Applies

This Chapter shall apply to all areas identified as flood-prone within the jurisdiction of Township of Jackson.

Section 108 Basis for Establishing Flood-Prone Areas

The Floodplain Administrator shall obtain, review and reasonably utilize any base flood data available from other federal or state agencies or other source to identify flood-prone area within the

jurisdiction of Township of Jackson. This data will be on file at the Jackson Township Municipal Buildings located at 2162 Route 715, P.O. Box 213 Reeders, PA 18352.

Section 109 Compliance

No structure or land shall hereafter be constructed, located, extended, converted, or altered without full compliance with the terms of this chapter and other applicable regulations. Nothing herein shall prevent the Township of Jackson from taking such lawful action as is necessary to prevent or remedy any violation of this chapter.

Part 2
Administration

Section 201 Designation of the Floodplain Administrator

The Jackson Township Zoning Officer is hereby appointed to administer and enforce this chapter and is referred to herein as the Floodplain Administrator. The Zoning Officer shall be designated with the responsibility, authority and means to implement the commitments made and responsible to submit a report to FEMA concerning the Community participation in the program. These responsibilities and duties can be delegated from the Zoning Officer. However, the ultimate responsibility lies with the person identified in the floodplain ordinance as the Floodplain Administrator.

Section 202 Floodplain Building Permits Required

Floodplain building permits shall be required before any proposed construction or development is undertaken within the identified floodplain area(s) within the Township.

Section 203 Duties and Responsibilities of the Floodplain Administrator

- A. The Floodplain Administrator shall issue a floodplain building permit within the identified floodplain area(s) of the Township only after it has been determined that the proposed work to be undertaken will be in conformance with the requirements of this and all other applicable codes and ordinances.
- B. Prior to the issuance of any Floodplain permit, the Floodplain Administrator shall review the application for the permit to determine if all other necessary government permits required by state and federal laws have been obtained, such as those required by the Pennsylvania Sewage Facilities Act (Act 1966-537, as amended) the Pennsylvania Dam Safety and Encroachments Act (Act 1978-325, as amended) the Pennsylvania Clean Streams Act (Act 1937-394, as amended) and the U.S. Clean Water Act, Section 404. 33, U.S.C. 1344. No Floodplain permit shall be issued until this determination has been made.
- C. In the case of existing structures, prior to the issuance of any Floodplain/Permit, the Floodplain Administrator shall review the history of repairs to the subject building, so that any repetitive loss issues can be addressed before the permit is issued.

- D. During the construction period, the Floodplain Administrator or other authorized official shall inspect the premises to determine that the work is progressing in compliance with the information provided on the permit application and with all applicable municipal laws and ordinances. He/she shall make as many inspections during and upon completion of the work as are necessary.
- E. In discharge of his/her duties, the Floodplain Administrator shall have the authority to enter any building, structure, premises or development in the identified floodplain area, upon presentation of proper credentials, at any reasonable hour to enforce the provisions of this chapter.
- F. In the event the Floodplain Administrator discovers that the work does not comply with the permit application or any applicable laws and ordinances, or that there has been a false statement or misrepresentation by any applicant, the Floodplain Administrator shall revoke the Permit and report such fact to the Board of Supervisors for whatever action it considers necessary.
- G. The Floodplain Administrator shall maintain all records associated with the requirements of this ordinance including, but not limited to, permitting, inspection and enforcement.
- H. The Floodplain Administrator shall consider the requirements of the 34 PA Code and the 2009 IBC and the 2009 IRC or latest revisions thereof.
- I. No floodplain building permit shall be issued within the identified floodplain area(s) of the Township until all other required permits have been obtained from any other office or agency.
- J. No encroachment, alteration, or improvement of any kind shall be made to any watercourse until all adjacent municipalities which may be affected by such action have been notified by the Township and until all required permits or approvals have been first obtained from the Department of Environmental Protection Regional Office. In addition, the Federal Emergency Management Agency and Pennsylvania Department of Community and Economic Development shall be notified by the Township prior to any alteration or relocation of any watercourse.

Section 204 Application Procedures and Requirements

- A. Application for such a floodplain building permit within the identified floodplain area(s) of the Township shall be made, in writing, to the Floodplain Administrator on forms supplied by the Township. Such application shall contain at least the following:
1. Name and address of applicant.
 2. Name and address of owner of land on which proposed construction is to occur.
 3. Name and address of contractor.
 4. Site location, including address.
 5. Listing of other permits required.
 6. Brief description of proposed work and estimated cost, including a breakdown of flood-related cost and the market value of the building before the flood damage occurred where appropriate.
 7. A plan of the entire site, clearly and legibly drawn at a scale of one (1) inch being equal to 100 feet or less, showing the following:
 - a. A north arrow, scale and date.
 - b. All property and lot lines including dimensions and the size of the site expressed in acres or square feet.
 - c. The location of all existing and proposed buildings, structures, and other improvements including the location of any existing or proposed subdivision and land developments.
 - d. Listing of other permits required.
 8. A plan which accurately delineates the area which is subject to flooding, the location of the proposed construction, the location of any other floodplain development or structures, and the location of any existing or proposed stream improvements or protective works.
- B. If any proposed construction or development is located entirely or partially within any identified floodplain area, applicants for permits shall provide all the necessary information in sufficient detail and clarity to enable the Floodplain Administrator to determine that:
1. All such proposals are consistent with the need to minimize flood damage and conform with the requirements of this and all other applicable codes and ordinances.

2. All utilities and facilities, such as sewer, gas, electrical and water systems, are located, elevated and constructed to minimize or eliminate flood damage.
3. Adequate drainage is provided so as to reduce exposure to flood hazards.
4. Structures will be anchored to prevent flotation, collapse or lateral movement.
5. Building materials are flood-resistant.
6. Appropriate practices that minimize flood damage have been used.
7. Electrical, heating, ventilation, plumbing, air conditioning equipment, and other service facilities have been designed and located to prevent water entry or accumulation.

C. Applicant shall file the following minimum information plus any other pertinent information as may be required by the Floodplain Administrator to make the above determination:

1. A completed Building Permit Application form.
2. A plan of the entire site clearly and legibly drawn at a scale of one (1") inch being equal to one hundred (100') feet or less, showing the following:
 - a. North arrow, scale and date.
 - b. Topographical contour lines, if available.
 - c. The location of all existing and proposed buildings, structures and other improvements, including the location of any existing and subdivision and development.
 - d. The location of all existing streets, drives and other accessways.
 - e. The location of any existing bodies of water or watercourse, identified floodplain areas, and if available, information pertaining to the floodway, and the flow of water including direction and velocities.
3. Plans of all proposed buildings, structures and other improvements, drawn at suitable scale showing the following:
 - a. The proposed lowest floor elevation of any proposed building based upon North American Vertical Datum of 1988.
 - b. The elevation of the base flood.
 - c. Supplemental information as may be necessary under 34 PA Code, the 2009 IBC or 2009 IRC.

4. The following data and documentation:
- a. If available, information concerning flood depths, pressures, velocities, impact and uplift forces and other factors associated with a base flood.
 - b. Detailed information concerning any proposed flood proofing measures and corresponding elevations.
 - c. A document, certified by a registered professional engineer or architect, which states that the proposed construction or development has been adequately designed to withstand pressures, velocities, impact and uplift forces associated with the base flood.
Such statement shall include a description of the type and extent of floodproofing measures which have been incorporated into the design of the structure and/or the development.
 - d. Detailed information to determine compliance with Section 403 (F), Storage, and Section 405, Development Which May Endanger Human Life, including:
 - 1) The amount, location and purpose of any dangerous materials or substances in Section 403 and 405, which are intended to be used, produced, stored or otherwise maintained on the site.
 - 2) A description of the safeguards incorporated into the design of the proposed structure to prevent leaks or spills of the dangerous materials or substances listed in Section 405 during a base flood.
 - e. The appropriate component of the Department of Environmental Protection's "Planning Module for Land Development".
 - f. Where any excavation or grading is proposed, a plan meeting the requirements of the Department of Environmental Protection to implement and maintain erosion and Sedimentation control.
 - g. Applications for permits shall be accompanied by a fee, payable to the Township of Jackson based upon the estimated cost of the proposed construction as determined by the Floodplain Administrator.

Section 205 Other Permit Issuance Requirements

Prior to any proposed alteration or relocation of any stream or any watercourse, etc. within the Township, a permit shall be obtained from the Department of Environmental Protection, Bureau of Dam Safety, Obstructions, and Storm Water Management, as specified in the Dam Safety and Encroachment Act, as amended, 32 P.S. §693.1 et seq. Copies of such notifications shall be forwarded to both the Federal Emergency Management Agency and the Department of Community and Economic Development. Under no circumstances shall any use, activity and/or development adversely affect the capacity of the channels or floodways of any watercourse, drainage ditch, or any other drainage facility or system.

Section 206 Review by County Conservation District

A copy of all applications and plans for any proposed construction development in any identified floodplain area to be considered for approval shall be submitted by the Floodplain Administrator to the County Conservation District for review and comment prior to the issuance of a floodplain building permit. The recommendations of the Conservation District shall be considered by the Floodplain Administrator for possible incorporation into the proposed plan.

Section 207 Review of Applicant by Others

A copy of all plans and applications for any proposed construction or development in any identified floodplain area to be considered for approval may be submitted by the Floodplain Administrator to any other appropriate agencies and/or individuals (e.g., Planning Commission, Township Engineer, etc.) for review and comment.

Section 208 Changes

After the issuance of a floodplain building permit by the Floodplain Administrator, no changes of any kind shall be made to the application, floodplain building permit, or any of the plans, specifications or other documents submitted with the application without the written consent or approval of the Floodplain Administrator. Requests for any such change shall be in writing and shall be submitted by the applicant to the Floodplain Administrator for consideration.

Section 209 Placards

In addition to the floodplain building permit, the Floodplain Administrator shall issue a placard which shall be displayed on the premises during the time construction is in progress. This placard shall show the number of the permit, the date of its issuance and be signed by the Floodplain Administrator.

Section 210 Start of Construction

Work on the proposed construction or development shall begin within 180 days after the date of issuance and shall be completed within twelve (12) months after the date of issuance of the Permit or the permit shall expire unless a time extension is granted, in writing, by the Floodplain Administrator. The actual start of construction means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading, and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first, alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

Time extensions shall be granted only if a written request is submitted by the applicant, which sets forth sufficient and reasonable cause for the Floodplain Administrator to approve such a request.

Section 211 Inspection and Revocation

During the construction period, the Floodplain Administrator or other authorized official may inspect the premises to determine that the work is progressing in compliance with the information provided on the permit application and with all applicable Township laws and ordinances, or that there has not been a false statement or misrepresentation by any applicant. If the inspection reveals non-compliance or misrepresentation, the Floodplain Administrator shall revoke the floodplain

building permit and report such fact to the Township Board of Supervisors for whatever action it considers necessary.

Section 212 Enforcement

A. Notices.

Whenever the Floodplain Administrator or other authorized municipal representative determines that there are reasonable grounds to believe that there has been a violation of any provision of this Chapter, or of any regulations adopted pursuant thereto, the Floodplain Administrator shall give notice of such alleged violation as hereinafter provided. Such notice shall:

1. Be in writing.
2. Include a statement of the reasons for its issuance.
3. Allow a reasonable time not to exceed a period of thirty (30) days for the performance of any act it requires.
4. Be served upon the property owner or his agent as the case may require. Provided, however, that such notice or order shall be deemed to have been properly served upon such owner or agent when a copy thereof has been served with such notice by any other method authorized or required by the laws of this State.
5. Contain an outline of remedial action which, if taken, will effect compliance with the provisions of this Chapter.

B. Hearings.

Any person affected by any notice which has been issued in connection with the enforcement of any provision of this Chapter, or of any regulation adopted pursuant hereto, may request and shall be granted a hearing on the matter before the Jackson Township Supervisors, provided that such person shall file with the Township Secretary a written petition requesting such hearing and setting forth a brief statement of the grounds therefore within ten (10) days after the notice was served. The filing of the request for a hearing shall operate as a stay of the notice and the suspension. Upon receipt of such petition, the Township Secretary shall set a time and place for such hearing and shall give the petitioner written notice thereof. At such hearing, the petitioner shall be given an opportunity to be heard and to show why such notice shall be modified or withdrawn. The hearing shall be commenced not later than ten (10) days after the day on which the petition

was filed; provided that upon application of the petitioner, the Township Secretary may postpone the date of the hearing for a reasonable time beyond such ten (10) day period when, in his/her judgment, the petitioner has submitted good and sufficient reason for such postponement.

C. Findings and Order.

After such hearing, the Board of Supervisors shall make findings as to the compliance with the provisions of this Chapter and regulations issued hereunder and shall issue an order, in writing, sustaining, modifying, or withdrawing the notice which shall be served as provided in Subsection A of this Section.

D. Record of Hearing.

The proceedings at such a hearing, including the findings and decision of the Board of Supervisors, and together with a copy of every notice and order related thereto, shall be entered as a matter of public record in the Township of Jackson, but the transcript of the proceedings need not be transcribed unless judicial review of the decision is sought as provided by this Section.

E. Penalties.

Any person who fails to comply with any or all of the requirements or provisions of this Chapter or who fails or refuses to comply with any notice, order or direction of the Floodplain Administrator or any other authorized employee of the Township shall be guilty of an offense and, upon conviction, shall pay a fine to Jackson Township of not less than twenty-five dollars (\$25.00) nor more than one thousand dollars (\$1, 000, 00) plus costs of prosecution. In default of such payment, such person shall be imprisoned in county prison for a period not to exceed thirty (30) days. Each day during which any violation of this Chapter continues shall constitute a separate offense. In addition to the above penalties, all other actions are hereby reserved including an action in equity for the proper enforcement of this Chapter. The imposition of a fine or penalty for any violation of, or noncompliance with, this Chapter shall not excuse the violation or noncompliance or permit it to continue; and all such persons shall be required to correct or remedy such violations and noncompliance within a reasonable time. Any development initiated or any structure or building constructed, reconstructed, enlarged, altered, or relocated in noncompliance with this Chapter may be declared by the Jackson Township Board of Supervisors to be a public nuisance and abatable as such.

Section 213 Appeals

- A. Any person aggrieved by an action or decision of the Floodplain Administrator concerning the administration of the provisions of this Chapter, may appeal to the Jackson Township Board of Supervisors. Such appeal must be filed, in writing, within (30) days after the decision, determination or action of the Floodplain Administrator. Upon receipt of such appeal, the Jackson Township Board of Supervisors shall set a time and place, within not less than ten (10) or more than thirty (30) days, for the purpose of considering the appeal. Notice of the time and place of the appeal shall be given to all parties, at which time they may appear and be heard.
- B. Any person aggrieved by any decision of the Jackson Township Board of Supervisors may seek relief therefrom in any court of competent jurisdiction, as provided by the laws of this Commonwealth including the Pennsylvania Floodplain Management Act.

Part 3
Identification and Floodplain Areas

Section 301 Identification of Floodplain Areas

The identified floodplain area shall be:

- A. Any areas of the Township of Jackson, classified as special flood hazard areas (SFHAs) in the Flood Insurance Study (FIS) and the accompanying Flood Insurance Rate Maps (FIRMS) dated May 2, 2013 and issued by the Federal Emergency Management Agency (FEMA) or the most recent revision thereof, including all digital data developed as part of the Flood Insurance Study and,
- B. Any Community Identified Flood Hazard Areas.

The above referenced FIS and FIRMs, and any subsequent revisions and amendments are hereby adopted by the Township of Jackson and declared to be part of this chapter.

Section 302 Description and Special Requirements of Identified Floodplain Areas

The identified floodplain area shall consist of the following specific areas:

- A. The Floodway Area/District identified as floodway in the FIS which represents the channel of a watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation by more than one (1) foot at any point. This term shall also include floodway areas which have been identified in other available studies or sources of information for those Special Flood Hazard Areas where no floodway has been identified in the FIS.
 - 1. Within any floodway area, no encroachments, including fill, new construction, substantial improvements, or other development shall be permitted unless it has been demonstrated through hydrologic and hydraulic analysis performed in accordance with standard engineering practice that the proposed encroachment would not result in any increase in flood levels within the community during the occurrence of the base flood discharge.
 - 2. No new construction or development shall be allowed, unless a permit is obtained from the Department of Environmental Protection Regional Office.

- B. The A Area/District shall be those areas identified as an A Zone on the FIRM included in the FIS prepared by FEMA and for which no one-percent (1%) annual chance flood elevations have been provided. For these areas, elevation and floodway information from other Federal, State, or other acceptable sources shall be used when available. Where other acceptable information is not available, the base flood elevation shall be determined by using the elevation of a point on the boundary of the identified floodplain area which is nearest the construction site.
- In lieu of the above, the municipality may require the applicant to determine the elevation with hydrologic and hydraulic engineering techniques. Hydrologic and hydraulic analyses shall be undertaken only by professional engineers or others of demonstrated qualifications, who shall certify that the technical methods used correctly reflect currently accepted technical concepts. Studies, analyses, computations, etc., shall be submitted in sufficient detail to allow a thorough technical review by the municipality.
- C. Community Identified Flood Hazard Areas shall be those areas where Jackson Township has identified local flood hazard or ponding areas, as delineated and adopted on a "Local Flood Hazard Map" using best available topographic data and locally derived information such as flood of record, historic high water marks, soils or approximate study methodologies.

Section 303 Changes in Identification of Area

The identified floodplain area may be revised or modified by the Supervisors where studies or information provided by a qualified agency or person documents the need for such revision. However, prior to any such change to the Special Flood Hazard Area, approval must be obtained from FEMA. Additionally, as soon as practicable, but not later than six (6) months after the date such information becomes available; a community shall notify FEMA of the change to the Special Flood Hazard Area by submitting technical or scientific data.

Section 304 Boundary Disputes

Should a dispute concerning any identified floodplain boundary arise, an initial determination shall be made by the Jackson Township Planning Commission, and any party aggrieved by this decision

may appeal to the Jackson Township Board of Supervisors. The burden of proof shall be on the appellant.

Section 305 Jurisdiction Boundary Changes

Prior to development occurring in areas where annexation or other corporate boundary changes are proposed or have occurred, the community shall review flood hazard data affecting the lands subject to boundary changes. The community shall adopt and enforce floodplain regulations in areas subject to annexation or corporate boundary changes which meet or exceed those in CFR 4460.3.

Part 4
Technical Provisions

Section 401 General

- A. Alteration or Relocation of Watercourse
1. No encroachment, alteration, or improvement of any kind shall be made to any watercourse until all adjacent municipalities which may be affected by such action have been notified by the municipality, and until all required permits or approvals have been first obtained from the Department of Environmental Protection Regional Office.
 2. No encroachment, alteration, or improvement of any kind shall be made to any watercourse unless it can be shown that the activity will not reduce or impede the flood carrying capacity of the watercourse in any way.
 3. In addition, FEMA and Pennsylvania Department of Community and Economic Development, shall be notified prior to any alteration or relocation of any watercourse.
- B. Technical or scientific data shall be submitted by the applicant to FEMA for a Letter of Map Revision (LOMR) as soon as practicable but within six (6) months of any new construction, development, or other activity resulting in changes in the BFE. The situations when a LOMR or a Conditional Letter of Map Revision (CLOMR) is required are:
1. Any development that causes a rise in the base flood elevations within the floodway; or
 2. Any development occurring in Zones A1-30 and Zone AE without a designated floodway, which will cause a rise of more than one foot in the base flood elevation; or
 3. Alteration or relocation of a stream (including but not limited to installing culverts and bridges.
- C. Any new construction, development, uses or activities allowed within any identified floodplain area shall be undertaken in strict compliance with the provisions contained in this Ordinance and any other applicable codes, ordinances and regulations.

- D. Within any Identified Floodplain Area, no new construction or development shall be located within the area measured fifty (50) feet landward from the top-of-bank of any watercourse, unless a permit is obtained from the Department of Environmental Protection Regional Office.

Section 402 Elevation and Floodproofing Requirements

A. Residential Structures

1. In AE, A1-30, and AH Zones, any new construction or substantial improvement shall have the lowest floor (including basement) elevated up to, or above, the regulatory flood elevation.
2. In A Zones, where there are no Base Flood Elevations specified on the FIRM, any new construction or substantial improvement shall have the lowest floor (including basement) elevated up to, or above, the regulatory flood elevation determined in accordance with Section 302.B of this chapter.
3. The design and construction standards and specifications contained in the 2009 International Building Code (IBC) and in the 2009 International Residential Code (IRC) or the most recent revisions thereof and ASCE 24 and 34 PA Code (Chapters 401-405 as amended) shall be utilized.

B. Non-residential Structures

1. In AE, A1-30 and AH Zones, any new construction or substantial improvement of a non-residential structure shall have the lowest floor (including basement) elevated up to, or above, the regulatory flood elevation, or be designed and constructed so that the space enclosed below the regulatory flood elevation:
 - a. is floodproofed so that the structure is watertight with walls substantially impermeable to the passage of water and,
 - b. has structural components with the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy:
2. In any A Zone, where there is no Base Flood Elevation specified on the FIRM, any new construction or substantial improvement shall have the lowest floor (including basement) elevated or completely floodproofed up to, or above, the regulatory flood elevation determined in accordance with Section 302.B of this chapter.

3. Any non-residential structure, or part thereof, made watertight below the regulatory flood elevation shall be floodproofed in accordance with the W1 or W2 space classification standards contained in the publication entitled "Flood-Proofing Regulations" published by the U.S. Army Corps of Engineers (June 1972, as amended March 1992) or with some other equivalent standard. All plans and specifications for such floodproofing shall be accompanied by a statement certified by a registered professional engineer or architect which states that the proposed design and methods of construction are in conformance with the above referenced standards.
4. The design and construction standards and specifications contained in the 2009 International Building Code (IBC) and in the 2009 International Residential Code (IRC) or the most recent revisions thereof and ASCE 24 and 34 PA Code (Chapters 401-405 as amended) shall be utilized.

C. Space below the lowest floor

1. Fully enclosed space below the lowest floor (excluding basements) which will be used solely for the parking of a vehicle, building access, or incidental storage in an area other than a basement, shall be designed and constructed to allow for the automatic entry and exit of flood waters for the purpose equalizing hydrostatic forces on exterior walls. The term "fully enclosed space" also includes crawl spaces.
2. Designs for meeting this requirement must either be certified by a registered professional engineer or architect, or meet or exceed the following minimum criteria:
 - a. A minimum of two openings having a net total area of not less than one (1) square inch for every square foot of enclosed space.
 - b. The bottom of all openings shall be no higher than one (1) foot above grade.
 - c. Openings may be equipped with screens, louvers, etc. or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.

D. Historic Structures

See Section 802 (definition of Substantial Improvement) for requirements for the substantial improvement of any historic structures.

E. Accessory structures

Structures accessory to a principal building need not be elevated or floodproofed to remain dry, but shall comply, at a minimum, with the following requirements.

1. The structure shall not be designed or used for human habitation, but shall be limited to the parking of vehicles, or to the storage of tools, material and equipment related to the principal use or activity.
2. Floor area shall not exceed 200 square feet.
3. The structure will have a low damage potential.
4. The structure will be located on the site so as to cause the least obstruction to the flow of flood waters.
5. Power lines, wiring and outlets will be elevated to the regulatory flood elevation.
6. Permanently affixed utility equipment and appliances such as furnaces, heaters, washers, dryers, etc. are prohibited.
7. Sanitary facilities are prohibited.
8. The structure shall be adequately anchored to prevent flotation or movement and shall be signed to automatically provide for the entry and exit of floodwater for the purpose of equalizing hydrostatic forces on the walls. Designs for meeting this requirement must either be certified by a registered professional engineer or architect, or meet or exceed the following minimum criteria:
 - a. A minimum of two openings having a net total area of not less than one (1) square inch for every square foot of enclosed space.
 - b. The bottom of all openings shall be no higher than one (1) foot above grade.
 - c. Openings may be equipped with screens, louvers, etc. or other coverings or devices provided that they permit the automatic entry and exit of flood waters.

Section 403 Design and Construction Standards

The following minimum standards shall apply for all construction and development proposed to be undertaken within any identified floodplain area.

A. Drainage Facilities

Storm drainage facilities shall be designed to convey the flow of surface waters without damage to persons or property. The system shall insure drainage at all points along streets, and provide positive drainage away from buildings. The system shall also be designed to prevent the discharge of excess runoff onto adjacent properties.

B. Water and Sanitary Sewer Facilities and Systems

1. All new or replacement water supply and sanitary sewer facilities and systems shall be located, designed and constructed to minimize or eliminate flood damages and the infiltration of flood waters.
2. Sanitary sewer facilities and systems shall be designed to prevent the discharge of untreated sewage into flood waters.
3. No part of any on-site sewage system shall be located within any identified floodplain area except in strict compliance with all State and local regulations for such systems. If any such system is permitted, it shall be located so as to avoid impairment to it, or contamination from it, during flood.
4. The design and construction provisions of the UCC and FEMA #348, Protecting Building Utilities from Flood Damages and The International Private Sewage Disposal Code shall be utilized.

C. Streets

The finished elevation of proposed new streets shall be no more than one (1) foot below the regulatory flood elevation.

D. Utilities

All utilities such as gas lines, electrical and telephone systems being placed in floodplain areas should be located, elevated (where possible) and constructed to minimize the chance of impairment during a flood.

E. Fill

If fill is used, it shall:

1. Extend laterally at least fifteen (15) feet beyond the building line from all points.
2. Consist of soil or small rock materials only (Sanitary landfill material shall not be permitted).
3. Be compacted to provide the necessary permeability of resistance to erosion, scouring, or settling.
4. Be no steeper than one (1) vertical to two (2) horizontal, unless substantiated data, justifying steeper slopes, is submitted to, and approved by, the Floodplain Administrator.
5. Be used to the extent to which it does not adversely affect adjacent properties.

F. Storage

All materials that are buoyant, flammable, explosive, or in times of flooding, could be injurious to human, animal, or plant life, and not listed in Section 405, Development Which May Endanger Human Life, shall be stored at or above the Regulatory Flood Elevation or flood proofed to the maximum extent possible.

G. Placement of Buildings and Structures

All buildings and structures shall be designed, located and constructed, so as to offer the minimum obstruction to the flow of water, and shall be designed to have a minimum effect upon the flow and height of floodwaters.

H. Anchoring

1. All buildings and structures shall be firmly anchored in accordance with accepted engineering practices to prevent flotation, collapse, or lateral movement.
2. All air ducts, large pipes and storage tanks and other similar objects or components located at or below the regulatory flood elevation shall be firmly anchored or affixed to prevent flotation.

I. Floors, Walls and Ceilings

Where located at or below the Regulatory Flood Elevation:

1. Wood flooring used at or below the Regulatory Flood Elevation shall be installed to accommodate a lateral expansion of the flooring, perpendicular to the flooring grain, without incurring structural damage to the building.

2. Plywood used at or below the Regulatory Flood Elevation shall be of a “marine” or “water-resistant” variety.
3. Walls and ceilings at or below the Regulatory Flood Elevation shall be designed and constructed of materials that are “water-resistant” and will withstand inundation.
4. Windows, doors, and other components at or below the Regulatory Flood Elevation shall be made of metal or other “water-resistant” material.

J. Electrical systems and Components

1. Electric water heaters, furnaces, air-conditioning and ventilating systems, and other electrical equipment or apparatus shall not be located below the Regulatory Flood Elevation, and other electrical equipment or apparatus shall be permitted only at elevations above the regulatory flood elevation.
2. Electrical distribution panels shall be at least three feet (3') above the base flood elevation.
3. Separate electrical circuits shall serve lower levels and shall be dropped from above.

K. Paints and Adhesives

When used at or below Regulatory Flood Elevation:

1. Paints or other finishes used at or below the Regulatory Flood Elevation shall be of a “marine” or water-resistant quality.
2. Adhesives used at or below the Regulatory Flood Elevation shall be of a “marine” or water-resistant quality.
3. All wooden components (doors, trim, cabinets, etc.) used at or below the Regulatory Flood Elevation shall be finished with a “marine” or “water-resistant” paint or other finishing material.

L. Storage

No materials that are buoyant, flammable, explosive, or in times of flooding could be injurious to human, animal or plant life, shall be stored below the regulatory flood elevation.

M. Equipment

Water heaters, furnaces, air conditioning and ventilating units, and other electrical, mechanical or utility equipment or apparatus shall not be located below the Regulatory Flood Elevation.

N. Fuel Supply Systems

All gas and oil supply systems shall be designed to prevent the infiltration of flood waters into the system and discharges from the system into flood waters. Additional provisions shall be made for the drainage of these systems in the event that flood water infiltration occurs.

O. Uniform Construction Code Coordination

The Standards and Specifications contained 34 PA Code (Chapters 401-405), as amended and not limited to the following provisions shall apply to the above and other sections and sub-sections of this chapter, to the extent that they are more restrictive and supplement the requirements of this chapter.

International Building Code (IBC) 2009 or the latest edition thereof:

Secs. 801, 1202, 1403, 1603, 1605, 1612, 3402, and Appendix G.

International Residential Building Code (IRC) 2009 or the latest edition thereof:

Secs. R104, R105, R109, R323, Appendix AE101, Appendix E and Appendix J.

Section 404 Special Requirements for Manufactured Homes

- A. Within any Identified Floodplain Areas, manufactured homes shall be prohibited within the area measured fifty (50) feet landward from the top-of-bank of any watercourse.
- B. Installation of manufactured homes shall be done in accordance with the manufacturer's installation instructions as provided by the manufacturer. Where the applicant cannot provide the above information, the requirements of Appendix E of the 2009 International Residential Building Code or the U.S. Department of Housing and Urban Development's Permanent Foundations for Manufactured Housing, 1984 Edition, draft or latest revision thereto and 34 PA Code Chapters 401-405 shall apply. Consideration shall be given to the installation requirements of the 2009 IBC or the most recent revisions thereto and 34 PA Code Chapter, as amended where appropriate and/or applicable to units where the manufacturer's standards for anchoring cannot be provided or were not established for the unit's proposed installation.
- C. Where permitted within any Identified Floodplain Area, all manufactured homes and any additions thereto shall also be elevated in accordance with the following requirements:

1. The foundations for lots shall be elevated on compacted fill or on pilings so that the lowest floor of the manufactured home will be one and one-half (1 ½) feet or more above the elevation of the base flood.
 2. Adequate surface drainage is provided.
 3. Adequate access for a hauler is provided.
 4. Placed on a permanent foundation.
 5. Anchored to resist floatation, collapse, or lateral movement.
 6. Where pilings are used for elevation, the lots shall be large enough to permit steps; piling foundations shall be placed in stable soil no more than ten (10) feet apart; reinforcement shall be provided for pilings that will extend for six (6) feet or more above the ground level.
- D. An evacuation plan which includes alternate vehicular access and escape route shall be filed with the appropriate Township officials for manufactured home parks and manufactured home subdivisions.

Section 405 Development Which May Endanger Human Life

- A. In accordance with the Pennsylvania Flood Plain Management Act, and the regulations adopted by the Department of Community and Economic Development as required by the Act, any new or substantially improved structure which:
1. will be used for the production or storage of any of the following dangerous materials or substances; or,
 2. will be used for any activity requiring the maintenance of a supply of more than 550 gallons, or other comparable volume, of any of the following dangerous materials or substances on the premises; or,
 3. will involve the production, storage, or use of any amount of radioactive substances.

Shall be subject to the provisions of this section, in addition to all other applicable provisions. The following list of materials and substances are considered dangerous to human life.

- Acetone
- Ammonia
- Benzene

- Calcium carbide
 - Carbon disulfide
 - Celluloid
 - Chlorine
 - Hydrochloric acid
 - Hydrocyanic acid
 - Magnesium
 - Nitric acid and oxides of nitrogen
 - Petroleum products (gasoline, fuel oil, etc.)
 - Phosphorus
 - Potassium
 - Sodium
 - Sulphur and sulphur products.
 - Pesticides (including insecticides, fungicides and rodenticides)
 - Radioactive substances, insofar as such substances are not otherwise regulated.
- B. Within any Floodway Area, any structure of the kind described in Subsection A., above, shall be prohibited.
- C. Within any Identified Floodplain Area, any new or substantially improved structure of the kind described in Subsection A., above, shall be prohibited within the area measured fifty (50) feet landward from the top-of-bank of any watercourse.
- D. Where permitted within any Identified Floodplain Area, any new or substantially improved residential structure of the kind described in Section 405 (A), above, shall be elevated to remain completely dry up to at least one and one half (1 ½) feet above base flood elevation.
- E. Where permitted within any Identified Floodplain Area, any new or substantially improved non-residential structure of the kind described in Section 405 (A), above, shall be:
1. elevated, or designed and constructed to remain completely dry up to at least one and one half (1 ½) feet above base flood elevation, and
 2. designed to prevent pollution from the structure or activity during the course of a base flood.

Any such structure, or part thereof, that will be built below the regulatory flood elevation shall be designed and constructed in accordance with the standards for completely dry floodproofing contained in the publication "Flood-Proofing Regulations (U.S. Army Corps of Engineers, June 1972 as amended March 1992), or with some other equivalent watertight standard.

Section 406 Special Requirements for Subdivisions

All subdivision proposals and development proposals containing at least 50 lots or at least 4 acres, whichever is the lesser, in Identified Floodplain Areas where base flood elevation data are not available, shall be supported by hydrologic and hydraulic engineering analyses that determine base flood elevations and floodway information. The analyses shall be prepared by a licensed professional engineer in a format required by FEMA for a Conditional Letter of Map Revision or Letter of Map Revision. Submittal requirements and processing fees shall be responsibility of the applicant.

Section 407 Special Requirements for Recreational Vehicles

Recreational vehicles in Zone A, A1-30, AH and AE must either:

- A. be on site for fewer than 180 consecutive days,
- B. be fully licensed and ready for highway use, or
- C. meet the permit requirements for manufactured homes in Section 404.

Part 5
Existing Structures in Identified Floodplain Areas

Section 501 Existing Structures

The provisions of this chapter do not require any changes or improvements to be made to lawfully existing structures. However, when improvements are made to any structure, the provisions of Section 502 shall apply.

Section 502 Improvements

The following provisions shall apply whenever any improvement is made to an existing structure located within any Identified Floodplain Area:

- A. No expansion or enlargement of an existing structure shall be allowed within any Floodway Area District that would cause any increase in the elevation of the Base Flood Elevation.
- B. Any modification, alteration, reconstruction, or improvement, of any kind to an existing structure, to an extent or amount of fifty (50) percent or more of its market value, shall constitute a substantial improvement and shall be undertaken only in full compliance with the provisions of this chapter.
- C. The above activity shall also address the requirements of the 34 PA Code, as amended and the 2009 IBC and the 2009 IRC.
- D. Any modification, alteration, reconstruction, or improvement of any kind to an existing structure, to an extent or amount less than fifty (50) percent of its market value, shall be elevated and/or floodproofed to the greatest extent possible.
- E. Any modification, alteration, reconstruction, or improvement of any kind that meets the definition of “repetitive loss” shall be undertaken only in full compliance with the provisions of this chapter.

Part 6
Activities Requiring Special Permits

Section 601 General

- A. In accordance with the administrative regulations promulgated by the Department of Community and Economic Development to implement the Pennsylvania Flood Plain Management Act, the following activities and development present a special hazard to the health and safety of the general public, or may result in significant pollution, increased flood levels or flows, or debris endangering life and property if such activities and development are located, either entirely or partially, within an Identified Floodplain Area:
1. Hospitals (public or private).
 2. Nursing homes (public or private).
 3. Jails or prisons.
 4. New manufactured home parks or manufactured home subdivisions, or substantial improvements to an existing manufactured home park or manufactured home subdivision.
 5. Facilities necessary for emergency response such as fire, ambulance, and police stations, civil defense preparedness buildings and facilities, emergency communication facilities, evacuation and emergency medical centers.
- B. Because of the special hazards presented by the above list of activities and development, they shall be prohibited from locating within any identified floodplain area unless a special permit has been issued by the Township of Jackson.

Section 602 Special Permit Application Procedures

Application for a special permit shall consist of at least five (5) copies of the following items:

- A. A written request which includes the information specified in 204 and a completed building permit application.
- B. A small scale map showing the vicinity in which the proposed site is located.
- C. A plan of the entire site, clearly and legibly drawn at a scale of one (1) inch being equal to one hundred (100) feet or less, showing the following:
 1. North arrow, scale, and date.

2. A location map showing the vicinity in which the proposed activity or development is to be located within the Township.
 3. Topography based on the North American Vertical Datum (NAVD) 1988 showing existing and proposed contours at intervals of two (2) feet.
 4. All property and lot lines including dimensions, and the size of the site expressed in acres or square feet.
 5. The location of all existing streets, drives, parking areas, and other access ways with information concerning widths, pavement types and construction, and elevations.
 6. The location of any existing bodies of water or watercourses, buildings, structures and other public or private facilities, including railroad tracks and facilities, and any other natural or man-made features affecting, or affected by, the proposed activity or development.
 7. The location of the identified floodplain area boundary line, information and spot elevations concerning the base flood elevations, and information concerning the flow of water including direction and velocities.
 8. The location of all proposed buildings, structures, and any other improvements.
 9. Any other information which the municipality considers necessary for adequate review of the application.
- D. Plans of all proposed buildings, structures and other improvements, clearly and legibly drawn at suitable scale showing the following:
1. Sufficiently detailed architectural or engineering drawings including flood plans, sections, and exterior building elevations, as appropriate.
 2. For any proposed building, the elevation of the lowest floor (including basement) and the elevation of any other floor.
 3. Complete information concerning the flood depths, velocities, uplift and hydrostatic and hydrodynamic forces and pressures that will exist during the course of a base flood, including impact loads.
 4. Detailed information concerning any proposed floodproofing measures.
 5. Cross-section drawings for all proposed streets, drives, parking areas and accessways showing all rights-of-way and pavement widths.

6. Profile drawings for all proposed streets, drives, and vehicular accessways including existing and proposed grades.
 7. Plans and profiles of all proposed sanitary and storm sewer systems, water supply systems, and any other utilities and facilities.
- E. The following data and documentation:
1. Certification from the applicant that the site upon which the activity or development is proposed is an existing separate and single parcel owned by the applicant or the client he/she represents.
 2. Certification from a registered professional engineer, architect, or landscape architect that the proposed construction has been adequately designed to protect against damage from base flood.
 3. A statement, certified by a registered professional engineer, architect, landscape architect, or other qualified person who contains a complete and accurate description of the nature and extent of pollution that might possibly occur from the development during the course of a base flood, including a statement concerning the effects such pollution may have on human life.
 4. A statement certified by a registered professional engineer, architect, or landscape architect which contains a complete and accurate description of the effects the proposed development will have on base flood elevations and flows.
 5. A statement, certified by a registered professional engineer, architect, or landscape architect, which contains a complete and accurate description of the kinds and amounts of any loose buoyant materials or debris that may possibly exist or be located on the site below the base flood elevation and the effects such materials and debris may have on base flood elevations and flows.
 6. The appropriate component of the Department of Environmental Protection "Planning Module for Land Development".
 7. Where any excavation or grading is proposed, a plan meeting the requirements of the Department of Environment Protection to implement and maintain erosion and sedimentation control.
 8. Any other applicable permits such as, but not limited to, a permit for any activity regulated by the Department of Environmental Protection under Section 302 of Act 1978-166.

9. An evacuation plan which fully explains the manner in which the site will be safely evacuated before or during the course of a base flood.

Section 603 Application Review Procedures

Upon receipt of an application for a special permit by the Township, the following procedures shall apply in addition to those of Part 2:

- A. Within three (3) working days following receipt of the application, a complete copy of the application and all accompanying documentation shall be forwarded to the County Planning Commission by registered or certified mail for its review and recommendations. Copies of the application shall also be forwarded to the Township Planning Commission and Township Engineer for review and comment.
- B. If an application is received that is incomplete, the Township shall notify the applicant in writing, stating in what respect the application is deficient.
- C. If the Township decides to disapprove an application, it shall notify the applicant, in writing, of the reasons for the disapproval.
- D. If the Township approves an application, it shall file written notification, together with the application and all pertinent information, with the Department of Community and Economic Development, by registered or certified mail, within five (5) working days after the date of approval.
- E. Before issuing the special permit, the Township shall allow the Department of Community and Economic Development thirty (30) days, after receipt of the notification by the Department, to review the application and decision made by the Township.
- F. If the Township does not receive any communication from the Department of Community and Economic Development during the thirty (30) day review period, it may issue a special permit to the applicant.
- G. If the Department of Community and Economic Development should decide to disapprove an application, it shall notify the Township and the applicant, in writing, of the reasons for the disapproval, and the Township shall not issue the special permit.

Section 604 Special Technical Requirements

- A. In addition to the requirements of Part 4 of this Chapter, the following minimum requirements shall also apply. If there is any conflict between any of the following requirements and those located elsewhere in this Chapter or in any other code, ordinance or regulation, the most restrictive provision shall apply.
- B. No application for a Special Permit shall be approved unless it can be determined that the structure or activity will be located, constructed and maintained in a manner which will:
 - 1. Fully protect the health and safety of the general public and any occupants of the structure. At a minimum, all new structures shall be designed, located and constructed so that:
 - a. The structure will survive inundation by waters of the base flood without any lateral movement or damage to either the structure itself or to any of its equipment or contents below the base flood elevation.
 - b. The lowest floor elevation (including basement) will be at least one and one-half (1 ½) feet above the base flood elevation.
 - c. The occupants of the structure can remain inside for an indefinite period of time and be safely evacuated during the base flood.
 - 2. Prevent any significant possibility of pollution, increased flood levels or flows, or debris endangering life and property.
- C. All hydrologic and hydraulic analyses shall be undertaken only by professional engineers or others of demonstrated qualifications, who shall certify that the technical methods used correctly reflect currently accepted technical concepts. Studies, analyses, computations, etc. shall be submitted in sufficient detail to allow a thorough technical review by the Township and the Department of Community and Economic Development. In approving any application for a special permit, the Township may attach whatever additional conditions and safeguards it may deem necessary and reasonable in order to implement the purpose of this Chapter and to protect the general health, safety, and welfare of the public.

Part 7
Variances

Section 701 General

If compliance with any of the requirements of this Chapter would result in an exceptional hardship for a prospective builder, developer, or land owner, the Township may, upon request, grant relief from the strict application of the requirements.

Section 702 Variance Procedure and Conditions

Request for variances shall be considered by the Township in accordance with the procedures contained in section 213 and the following:

- A. No variance shall be granted for any construction, development, use, or activity within any Floodway Area/District that would cause any increase in the BFE.
- B. Except for a possible modification of the regulatory flood elevation requirement involved, no variance shall be granted for any of the other requirements pertaining specifically to development regulated by Special Permit (Part 6) or to Development Which May Endanger Human Life (Section 405).
- C. If granted, a variance shall involve only the least modification necessary to provide relief.
- D. In granting any variance, the Township may attach whatever reasonable conditions and safeguards it considers necessary in order to protect the public health, safety, and welfare, and to achieve the objectives of this Chapter.
- E. Whenever a variance is granted, the Township shall notify the applicant in writing that:
 - 1. The granting of the variance may result in increased premium rates for flood insurance.
 - 2. Such variances may increase the risks to life and property.
- F. In reviewing any request for a variance, the Township shall consider, but not be limited to, the following:
 - 1. That there is good and sufficient cause.
 - 2. That failure to grant the variance would result in exceptional hardship to the applicant.
 - 3. That granting of the variance will neither result in an unacceptable or prohibited increase in flood heights, additional threats to public safety, extraordinary public

expense, nor create nuisances, cause fraud on, or victimize of the public, or conflict with any other applicable local or state ordinances and regulations.

- G. A complete record of all variance requests and related actions shall be maintained by the Township. In addition, a report of all variances granted during the year shall be included in the annual report to FEMA.
- H. Except for a possible modification of the freeboard requirements involved, no variance will be granted for any of the other requirements pertaining specifically to “Development Regulated by Special Permit,” 602, or to “Development Which May Endanger Human Life,” 405.

Notwithstanding any of the above, however, all structures shall be designed and constructed so as to have the capability of resisting the one-percent (1%) annual chance flood.

Part 8

Definitions

Section 801 General

Unless specifically defined below, words and phrase used in this chapter shall be interpreted so as to give this Chapter its most reasonable application.

Section 802 Specific Definitions

ACCESSORY USE or STRUCTURE – a use or structure on the same lot with, and of a nature customarily incidental and subordinate to, the principal use or structure.

BASE FLOOD – a flood which has one percent chance of being equaled or exceeded in any given year (also called the “100-year flood” or one-percent (1%) annual chance flood).

BASE FLOOD DISCHARGE – the volume of water resulting from a Base Flood as it passes a given location within a given time, usually expressed in cubic feet per second (cfs)

BASE FLOOD ELEVATION (BFE) – the elevation shown on the Flood Insurance Rate Map (FIRM) for Zones AE, AH, A1-30 that indicates the water surface elevation resulting from a flood that has a 1-percent or greater chance of being equaled or exceeded in any given year.

BASEMENT – any area of the building having its floor below ground level on all sides.

BUILDING – a combination of materials to form a permanent structure having walls and a roof. Included shall be all manufactured homes and trailers to be used for human habitation.

COMPLETELY DRY SPACE – a space which will remain totally dry during flooding; the structure is designed and constructed to prevent the passage of water and water vapor.

CONSTRUCTION – the construction, reconstruction, renovation, repair, extension, expansion, alteration or relocation of a building or structure, including the placement of manufactured homes.

DEVELOPMENT – any man-made change to improved or unimproved real estate, including , but not limited to, the construction, reconstruction, renovation, repair, expansion, or alteration of buildings or other structures; the placement of manufactured homes; streets, and other paving; utilities; fill, grading and excavation; mining; dredging; drilling operations; storage of equipment or materials; and the subdivision of land.

ESSENTIALLY DRY SPACE – a space which will remain dry during flooding, except for the passage of some water vapor or minor seepage; the structure is substantial impermeable to the passage of water.

EXISTING MANUFACTURED HOME PARK OR SUBDIVISION – a manufactured home park or subdivision for which the construction of a facilities for servicing the lots on which the manufactured homes are to affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the floodplain management regulations adopted by a community.

EXPANSION TO AN EXISTING MANUFACTURED HOME PARK OR SUBDIVISION – the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

FLOOD – a temporary inundation of normally dry land areas.

FLOOD INSURANCE RATE MAP (FIRM) – the official map on which the Federal Emergency Management Agency has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.

FLOOD INSURANCE STUDY (FIS) – the official report provided by the Federal Emergency Management Agency that includes flood profiles, the Flood Insurance Rate Map, the Flood Boundary and Floodway Map, and the water surface elevation of the base flood.

FLOODPLAIN AREA – a relatively flat or low land area which is subject to partial or complete inundation from an adjoining or nearby stream, river or watercourse; and/or any area subject to the unusual and rapid accumulation of surface waters from any source.

FLOOD-PROOFING – any combination of structural and non-structural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures, and their contents.

FLOODWAY – the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot.

HIGHEST ADJACENT GRADE – the highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

HISTORIC STRUCTURE – any structure that is:

- (i) Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
- (ii) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
- (iii) Individually listed on a state inventory of historic places in states which have been approved by the Secretary of Interior; or

- (iv) Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:
 - 1. By an approved state program as determined by the Secretary of the Interior, or
 - 2. Directly by the Secretary of the Interior in states without approved programs.

IDENTIFIED FLOODPLAIN AREA – the floodplain area specifically identified in this Ordinance as being inundated by the base flood.

LAND DEVELOPMENT – Any of the following activities:

- 1. The improvement of one lot or two or more contiguous lots, tracts or parcels of land for any purpose involving:
 - (i) A group of two or more residential or nonresidential buildings, whether proposed initially or cumulatively, or a single nonresidential building on a lot or lots regardless of the number of occupants or tenure; or
 - (ii) The division or allocation of land or space, whether initially or cumulatively, between or among two or more existing or prospective occupants by means of, or for the purpose of, streets, common areas, leaseholds, condominiums, building groups or other features.
- 2. A subdivision of land.

LOWEST FLOOR – the lowest floor of the lowest fully enclosed area (including basement). An unfinished, flood resistant partially enclosed area, used solely for parking of vehicles, building access, and incidental storage, in an area other than a basement area is not considered the lowest floor of a building, provided that such space is not designed and built so that the structure is in violation of the applicable non-elevation design requirements of this Chapter.

MANUFACTURED HOME – a structure, transportable in one (1) or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term includes park trailers, travel trailers, recreational and other similar vehicles which are placed on a site for more than one hundred eighty (180) consecutive days.

MANUFACTURED HOME PARK OR SUBDIVISION – a parcel (or contiguous parcels) of land divided into two (2) or more manufactured home lots for rent or sale.

MINOR REPAIR – the replacement of existing work with equivalent materials for the purpose of its routine maintenance and upkeep, but not including the cutting away of any wall, partition or portion thereof, the removal or cutting of any structural beam or bearing support, or the removal or change of any required means of egress, or rearrangement of parts of a structure affecting the exit way, replacement or relocation of any standpipe, water supply, sewer, drainage, drain leader, gas, oil, waste, vent, or similar piping, electric wiring or mechanical or other work affecting public health or generally safety.

NEW CONSTRUCTION – structures for which the start of construction commenced on or after April 23, 2013 and includes any subsequent improvements to such structures. Any construction started after July 2, 1982 and before April 23, 2013 is subject to the ordinance in effect at the time the permit was issued, provided the start of construction was within 180 days of permit issuance.

NEW MANUFACTURED HOME PARK OR SUBDIVISION – a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of floodplain management regulations adopted by a community.

OBSTRUCTION – any wall, dam, wharf, embankment, levee, dike, pile abutment projection, excavation, channel, rectification, culvert, building, fence, stockpile, refuse, fill, structure, or matter in, along, across, or projecting into any channel, watercourse, or floodplain area, which may impede, or change the direction of the flow of water either in itself or by catching or collecting debris carried by such water or is placed where the flow of the water might carry the same downstream to the damage of life and property.

PERSON – an individual, partnership, public or private association or corporation, firm, trust, estate, municipality, governmental unit, public utility or any other legal entity whatsoever, which is recognized by law as the subject of rights and duties.

POST-FIRM STRUCTURE – is a structure for which construction or substantial improvement occurred after December 31, 1974 or on or after the community's initial Flood Insurance Rate Map (FIRM) dated July 2, 1982, whichever is later, and, as such, would be required to be compliant with the regulations of the National Flood Insurance Program.

PRE-FIRM STRUCTURE – is a structure for which construction or substantial improvement occurred on or before December 31, 1974 or before the community's initial Flood Insurance Rate Map (FIRM) dated July 2, 1982, and, as such, would not be required to be compliant with the regulations of the National Flood Insurance Program.

RECREATIONAL VEHICLE – a vehicle which is: (i) built on a single chassis; (ii) not more than 400 square feet, measured at the largest horizontal projections; (iii) designed to be self-propelled or permanently towable by a light-duty truck; (iv) not designed for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

REGULATORY FLOOD ELEVATION – the base flood elevation (BFE) or estimated flood height as determined using simplified methods plus a freeboard safety factor of one and one-half (1 ½) feet.

REPETITIVE LOSS – flood related damages sustained by a structure on two separate occasions during a 10-year period for which the cost of repairs at the time of each such flood event, on average, equals or exceeds 25 percent of the market value the structure before the damages occurred.

SPECIAL PERMIT – a special approval which is required for hospitals, nursing homes, jails, and new manufactured home parks and subdivisions and substantial improvements to such existing parks, when such development is located in all, or designated portion of a floodplain.

SPECIAL FLOOD HAZARD AREA (SFHA) – means an area in the floodplain subject to a 1 percent or greater chance of flooding in any given year. It is shown on the FIRM as Zone A, AO, A1-A30, AE, A99, or AH.

START OF CONSTRUCTION – includes substantial improvement and other proposed new development and means that date the Permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within 180 days from the date of the permit and shall be completed within twelve (12) months after the date of issuance of the permit unless a time extension is granted, in writing, by the Floodplain Administrator. The actual start means either the first placement of a permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the state of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading, and filling; nor does it include the installation of streets and walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwellings units or not part of the main structure. For a substantial improvement, the actual start of construction means the first, alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affect the external dimensions of the building.

STRUCTURE – a walled and roofed building, including a gas or liquid storage tank that is principally above ground, as well as a manufactured home.

SUBDIVISION – the division or re-division of a lot, tract, or parcel of land by any means into two or more lots, tracts, parcels or other divisions of land including changes in existing lot lines for the purpose, whether immediate or future of lease, partition by the court for distribution to heirs, or devisees, transfer of ownership or building or lot development: Provided, however, that the subdivision by lease of and for agricultural purposes into parcels of more than ten acres, not involving any new street or easement of access or any residential dwelling, shall be exempted.

SUBSTANTIAL DAMAGE – damage from any cause sustained by a structure whereby the cost of restoring the structure to its before-damaged condition would equal or exceeds fifty (50) percent or more of the market value of the structure before the damage occurred.

SUBSTANTIAL IMPROVEMENT – any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds fifty (50) percent of the market value of the structure before the “Start of construction” of the improvement. This term includes structures which have incurred “substantial damage” or “repetitive loss” regardless of the actual repair work performed. The term does not, however, include any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions.

Historic structures undergoing repair or rehabilitation that would constitute a substantial improvement as defined in this ordinance, must comply with all ordinance requirements that do not preclude the structure’s continued designation as a historic structure. Documentation that a specific ordinance requirement will cause removal of the structure from the National Register of Historical Places or the State Inventory of Historic places must be obtained from the Secretary of the Interior or

the State Historic Preservation Officer. Any exemption from ordinance requirements will be the minimum necessary to preserve the historic character and design of the structure.

UNIFORM CONSTRUCTION CODE (UCC) – the statewide building code adopted by The Pennsylvania General Assembly in 1999 applicable to new construction in all municipalities whether administered by the municipality, a third party or the Department of Labor and Industry. Applicable to residential and commercial buildings, The Code adopted The International Residential Code (IRC) and the International Building Code (IBC), by reference, as the construction standard applicable with the State floodplain construction. For coordination purposes, references to the above are made specifically to various sections of the IRC and the IBC.

VIOLATION – means the failure of a structure or other development to be fully compliant with the community's flood plain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in 44 CFR 60.3(b) (5), (c) (4), (c) (10), (d) (3), (e) (2), (e) (4), or (e) (5) is presumed to be in violation until such time as that documentation is provided.